

ORDINANCE NO. 10-20

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 18 ENTITLED "BUSINESSES" OF THE CODE OF ORDINANCES AND IN PARTICULAR, ARTICLE V ENTITLED "ESTABLISHMENTS OFFERING ALCOHOLIC BEVERAGES AND/OR ENTERTAINMENT", BY REVISING THE DEFINITIONS OF BANQUET HALL OR DANCE HALL FOR HIRE DEFINING THE KIND OF COMMERCIAL ACTIVITY THAT MAY BE CONDUCTED IN A BANQUET HALL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of health, safety and general welfare of the community and the residents of the City of Hialeah to clearly define the nature of the commercial activity permissible at establishments offering alcoholic beverages; and

WHEREAS, the purpose and intent of this ordinance is to clarify the nature of the commercial activity that may be conducted in a banquet hall or dance hall for hire and specifically to eliminate the ability for banquet hall or dance hall for hire operators to conduct public dances open to the general public with or without the payment of an admission fee;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 18 entitled "Businesses" of the Code of Ordinances of the City of Hialeah, Florida, particularly Article V. Establishments Offering Alcoholic Beverages and/or Entertainment, is hereby amended to read as follows:

Chapter 18

BUSINESSES

* * *

**ARTICLE V. ESTABLISHMENTS
OFFERING ALCOHOLIC BEVERAGES
AND/OR ENTERTAINMENT**

DIVISION 1. GENERALLY

Sec. 18-206. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar means an establishment for the consumption of alcoholic beverages on the premises where no live entertainment or dancing is permitted.

Banquet hall or ~~dancehall~~ dance hall for hire means an establishment which rents space, providing tables, chairs, decor, sound systems and other services for clubs, associations or individuals for the purpose of having a banquet, meeting, party, celebration, wedding, birthday, ball, anniversary or other such ~~activity~~ private event. It is prohibited to operate or utilize the premises of a banquet hall or dance hall for an event open to the general public or a portion of the general public whether or not an entrance fee is charged. A banquet or dance hall may offer packages that include food, beverages, flowers, photography, entertainment, printed invitations, and other items related to a particular event, provided that each one of those services is offered by a person or corporation who has a valid city occupational license and who complies with all other requirements of city, county and state law. Whenever a banquet hall operator seeks to provide the additional services directly, it will be necessary that the banquet hall operator obtain the additional licenses necessary for those particular services. ~~If a banquet hall operator seeks to act as a host offering activities other than leasing or renting the~~

~~space or providing party packages to those leasing the premises for these purposes and seeks to charge an admission price or obtain other compensation from the patrons, the operator shall obtain the additional license and pay the fee as provided for in article II of chapter 86.~~

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

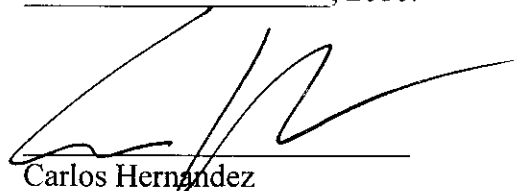
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 23rd day of March, 2010.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



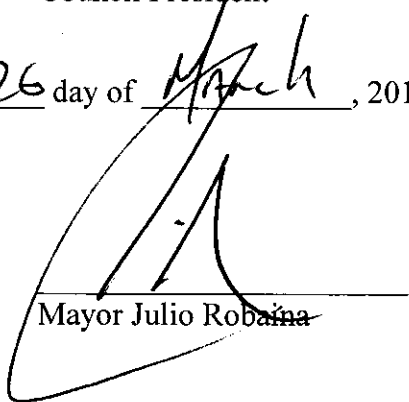
Carlos Hernandez
Council President

Attest:

Approved on this 26 day of March, 2010.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough indicates deletion.~~ Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Gonzalez, Hernandez and Yedra voting "Yes", Councilmember Garcia-Martinez absent.